

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LYNETTE MARIE BILLINGS,

CASE NO. 5:13-cv-03084 EJD

**ORDER TO SHOW CAUSE**

Plaintiff(s),

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant(s).

On July 3, 2013, Plaintiff Lynette Marie Billings ("Plaintiff") filed the Complaint underlying this action and paid the filing fee associated with that filing. See Docket Item No. 1. The clerk issued a Summons to Defendant that same day. See Docket Item No. 3. To date, however, the docket does not contain a proof of service or waiver of service for defendant, and no defendant has appeared in this action.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.


The 120-day period for service provided by Rule 4(m) expired on October 31, 2013. Accordingly, the court issues the instant Order to Show Cause ("OSC") requiring that Plaintiff, no

1 later than **December 6, 2013**, either: (1) file documents to show proof of service of the Summons  
2 and Complaint on defendant; or (2) explain in writing why service has not been accomplished. No  
3 hearing will be held on the order to show cause unless otherwise ordered by the court.

4 Plaintiff is notified that the court will dismiss this action if Plaintiff fails to comply with this  
5 OSC or otherwise fail to show good cause as directed above.

6 **IT IS SO ORDERED.**

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8 Dated: November 26, 2013

  
EDWARD J. DAVILA  
United States District Judge

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